

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

Crim. No. WMN-97-0411

GEORGE I. RAMCHARAN, III

*

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DEFENDANT'S MOTION FOR A REDUCED SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)

George Irving Ramcharan, III, through undersigned counsel, James Wyda, Federal Public Defender for the District of Maryland, hereby moves this Honorable Court, pursuant to 18 U.S.C. § 3582(c), for an order reducing his sentence from 135 months to time served as of March 3, 2008, the date on which the amendment to the sentencing guidelines for crack cocaine offenses is made retroactive. In support of this motion, counsel states the following:

1. On June 18, 1999, prior to the decision in *United States v. Booker*, 543 U.S. 220 (2005), this Court sentenced Mr. Ramcharan to 135 months' imprisonment after he pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute cocaine hydrochloride and cocaine base, in violation of 21 U.S.C. § 846. His sentence was at the low end of the guideline range of 135 to 168 months based on an offense level of 33 and criminal history category of I.

2. On November 1, 2007, the U.S. Sentencing Commission lowered the guidelines that apply to cocaine base ("crack") offenses. *See* U.S.S.G. § 2D1.1 (2007) (lowering the offense level for crack offenses by two levels). On December 11, 2007, the Commission unanimously voted to apply the amendment retroactively as of March 3, 2008. *See* U.S.S.G. § 1B1.10.

3. This Court has jurisdiction to modify Mr. Ramcharan's sentence under 18 U.S.C.

§ 3582(c), which provides:

In the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant, the director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

18 U.S.C. § 3582(c).

4. A review of Mr. Ramcharan's case by the U.S. Pretrial and Probation Services recently concluded that he is eligible to seek a reduced sentence based on retroactive application of the amendment. Under the amended guideline, Mr. Ramcharan's offense level would be reduced from 33 to 31. When combined with a criminal history category of I, it yields a sentencing range of 108 to 135 months. However, because Mr. Ramcharan is subject to a ten-year mandatory minimum sentence under 21 U.S.C. § 841(a)(1), his amended guideline range would be 120 to 135 months. If the Court selects a sentence at the low end of that range (as it did when imposing the original sentence), Mr. Ramcharan's amended sentence would be 120 months.

5. According to BOP records, Mr. Ramcharan has been in federal custody since June 18, 1999, and is expected to be released on November 18, 2008. Based on an amended sentence of 120 months, Mr. Ramcharan's new release would fall in or about December 2007.

6. Mr. Ramcharan is currently serving his sentence at FCI Elkton in Lisbon, Ohio. He has adjusted well during his time in prison.¹ Mr. Ramcharan has a solid work record and has consistently received positive evaluations for his work cleaning the inmate housing area and working

¹ A copy of Mr. Ramcharan's September 2007 progress report is attached hereto at Exhibit A.

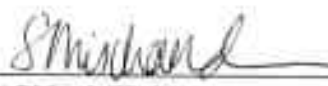
in the dining hall. In addition, Mr. Ramcharan has completed a photography apprenticeship and has taken classes in professional photography, related trades, graphic arts, real estate and insurance. Between November 2002 and November 2004, Mr. Ramcharan also earned his certification as a fitness trainer.²

7. In anticipation of his November 2008 release date under the old guidelines, Mr. Ramcharan has been participating in a release preparation program at FCI Elkton that began in May 2006. According to a recent BOP progress report, Mr. Ramcharan is in good physical and mental health, and "should be considered fully employable upon release." He plans to seek employment as a general laborer. Mr. Ramcharan enjoys the full support of his family and plans to reside with his mother, Toni Ramcharan, in Salisbury, Maryland, upon his release.

For the foregoing reasons, Mr. Ramcharan respectfully requests that this Court grant his motion to reduce his term of imprisonment from 135 months to time served as of March 3, 2008.

Respectfully submitted,

JAMES WYDA
Federal Public Defender
for the District of Maryland


SAPNA MIRCHANDANI
Staff Attorney
Office of the Federal Public Defender
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770
(301) 344-0600
(301) 344-0019 (fax)

² A list of Mr. Ramcharan's courses and copies of his certificates of completion are attached hereto at Exhibit B.

REQUEST FOR EXPEDITED HEARING

Because Mr. Ramcharan is eligible for immediate release from the custody of the Bureau of Prisons as of March 3, 2008, the date on which the sentencing amendment applies retroactively, he requests an expedited hearing on this matter pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland.

A handwritten signature in cursive script, appearing to read "Smirchandani", written in black ink.

SAPNA MIRCHANDANI
Staff Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2008, a copy of the foregoing Defendant's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c) and attachment were sent via Federal Express, overnight service, to Angela R. White, Assistant United States Attorney, Office of the United States Attorney, 36 South Charles Street, Fourth Floor, Baltimore, Maryland, 21201.



SAPNA MIRCHANDANI
Staff Attorney